

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	CIVIL ACTION NO.
COMMISSION)	
)	1:07-cv-874
Plaintiff,)	
v.)	<u>COMPLAINT</u>
)	<u>JURY TRIAL DEMAND</u>
TRIAD RACING DEVELOPMENT, INC.)	
)	
Defendant.)	
_____)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of religion (Judaism), and to provide appropriate relief to Wayne Kanter who was adversely affected by such practices. Specifically Plaintiff, Equal Employment Opportunity Commission (the “EEOC” or the “Commission”) alleges that Defendant Triad Racing Development, Inc. (“Defendant”) subjected Wayne Kanter to a hostile work environment because of his religion, Judaism, which resulted in his constructive discharge.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Middle District of North Carolina.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been doing business in the State of North Carolina and the city of High Point, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Wayne Kanter filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From in and around January 2005 until around December 2005, Defendant engaged in unlawful employment practices at its facility in High Point, North Carolina, in

violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Specifically, Defendant subjected Wayne Kanter to a hostile work environment based on his religion, Judaism. The harassment was severe or pervasive and was perpetrated by a manager in Mr. Kanter's direct line of supervision. The harassment included pervasive epithets based on Kanter's religion. Although Mr. Kanter complained about the harassment to Defendant, the harassment continued. The harassment was so intolerable that Mr. Kanter was forced to resign.

8. The effect of the practice complained of in paragraph 7 above has been to deprive Wayne Kanter of equal employment opportunities and otherwise adversely affect his status as an employee because of his religion, Judaism.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Wayne Kanter.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with them, from creating or maintaining a sexually hostile work environment or any other employment practice which discriminates on the basis of religion, and from retaliating against employees who oppose practices made unlawful by Title VII.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for employees regardless of their religion and which eradicate the effects of their past and present unlawful employment practices.

C. Order Defendant to make whole Wayne Kanter by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to medical expenses, in amounts to be determined at trial.

D. Order Defendant to make whole Wayne Kanter by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

E. Order Defendant to pay Wayne Kanter punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 16th day of November 2007.

Respectfully submitted,

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